

**IN THE UNITED STATES DISTRICT COURT
FOR THE DISTRICT OF DELAWARE**

DIANE RECZEK, :
Plaintiff, :
: :
v. : CIVIL ACTION NO: 07-00013 (GMS)
: :
JHA WILMINGTON, INC., :
: :
Defendants. :
:

JOINT STATUS REPORT

On behalf of the Parties to the above-captioned action, counsel hereby submit the following Joint Status Report:

1. Jurisdiction and Service

There are no disputes concerning personal or subject matter jurisdiction, and all current parties to this action have been served.

2. Substance of the Action

As is set forth in the Complaint, this action arises under Title VII of the Civil Rights Act of 1964 (“Title VII”), alleging discrimination based upon the plaintiff’s race (caucasian). Plaintiff alleges that she was subjected to racially hostile and demeaning comments by co-workers and supervisors, that she complained to management about this conduct, and that no action was taken to remedy her situation. Plaintiff alleges that she was constructively discharged in September 2005, and filed her Charge of Discrimination shortly thereafter.

3. Identification of the Issues

Was plaintiff subjected to racial discrimination in violation of state and/or federal law? If so, what relief, if any, is plaintiff entitled to based upon defendant's actions?

4. Narrowing of Issues

At this time there are no agreements or motions that would narrow or focus the litigation, however that position may change as discovery unfolds.

5. Relief

Plaintiff seeks an award of compensatory and punitive damages, back and front pay, all costs of this action, including reasonable attorney's fees, as set forth in the Complaint.

6. Amendment of Pleadings

Plaintiff will seek leave to amend to add as a defendant an entity identified as "Nationwide Healthcare Services," which has taken over operation of the Tilton Terrace facility from JHA Wilmington, Inc.

7. Joinder of Parties

See above in paragraph 6

8. Discovery

During the months since this action was filed the parties have engaged in considerable efforts to settle and resolve the dispute. This effort has been hampered by the defendant's alleged poor financial condition, which led to defense counsel's suggestion that they would be filing a motion to withdraw as counsel. To the extent defense counsel's request to withdraw is granted, plaintiff will seek leave to amend to add "Nationwide Healthcare Services" as a defendant, and will seek a default against JHA Wilmington, Inc. If the action goes forward against defendant, or against "Nationwide Healthcare Services," counsel anticipate that they will need twelve (12) months to complete written discovery and depositions of fact witnesses.

9. Estimated Trial Length

At this time plaintiff anticipates that trial should not take more than one full week.

10. Jury Trial

Yes, as requested in the Complaint.

11. Settlement

As described above, the parties have engaged in settlement discussions since the filing of this action. In light of the representations made concerning defendant's financial condition, it is unlikely that further settlement discussions with defendant will yield a different result. In the event "Nationwide Healthcare Services" is added as a party the plaintiff will be more than willing to engage in settlement discussions, and will agree to referral to the Magistrate Judge.

12. Other Matters

If current settlement discussions do not lead to a resolution, defense counsel plans to file a motion for leave to withdraw as counsel. Plaintiff does not oppose the motion, provided the Court sets a short deadline for defendant to retain new counsel. Plaintiff will then seek a default judgment if defendant does not obtain new counsel.

13. Conference between Counsel

Counsel for the parties have conferred about each of the above matters.

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